



04-30-04

DS/1647

DOCKET NO.: CHIR-0054

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ~~RECEIVED~~

MAY 05 2004

**In Re Application of:**

**Bell et al.**

**Application No.: 08/837,009**

**Filing Date: April 11, 1997**

**For: PrePro Insulin-Like Growth Factors I And II**

**Confirmation No.: 7021**

**CHARGE OF PETITIONS**

**Group Art Unit: 1647**

**Examiner: Lorraine Spector**

EXPRESS MAIL LABEL NO: EL 999293823 US  
DATE OF DEPOSIT: April 29, 2004

EL 999293823 US

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

MAY 10 2004

**PETITION UNDER 37 C.F.R. § 1.181(a)(3) OR 37 C.F.R. § 1.182** TECH CENTER 1600/2900

Applicants petition the Director under 37 C.F.R. § 1.181(a)(3), or in the alternative, ~~37 C.F.R. § 1.182~~, to initiate action by the examiner assigned to the present reissue patent application.

Examiner Spector issued a nonfinal Office Action dated October 23, 2002 in connection with this patent application. In response, Applicants filed a Reply Pursuant to 37 C.F.R. § 1.173 accompanied by an Information Disclosure Statement and Formal Drawings on November 27, 2002.

The undersigned contacted Examiner Spector on October 20, 2003 to determine the status of the present application. Examiner Spector located the file and advised the undersigned on October 30, 2003 that she would act on the Reply filed November 27, 2002.

Supervisory Patent Examiner Kunz contacted Applicants on December 16, 2003, to inquire as to the status of the application. He advised Ms. Nancy Swanson, Patent Secretary at Chiron Corp., the assignee, that the Reply filed November 27, 2002, had been received by the United States Patent and Trademark Office and that an action would be taken on the application within one to two months.

Examiner Kunz contacted Ms. Gyne Riser of the Intellectual Property Department at Chiron Corp. on March 23, 2004, to again inquire as to the status of the application. Examiner Kunz was contacted on March 24, 2004, by the undersigned to resolve the status

issue. He referred the undersigned to Examiner Spector. A voicemail was left for Examiner Spector on March 24, 2004, to which no response was received. Examiner Spector was contacted again on March 26, 2004. Examiner Spector responded on March 29, 2004, and advised the undersigned that she would be issuing an action by April 2, 2004. To date, no action in response to the Reply filed November 27, 2002, has been received by Applicants.

The present reissue proceeding has been pending for over seven years. It is in both the public's and the Applicants' interests to have this matter resolved. Additionally, of the 49 pending claims, claims 1-10, 12-14, 18, 20, 22, 27, 28, and 49 have been allowed. There simply is no acceptable reason for further delay of this reissue application by the United States Patent and Trademark Office. Applicants respectfully request that formal action on the part of the United States Patent and Trademark Office be taken and that such action be taken in advance of other applications in accordance with 37 C.F.R. § 1.176(a).

Applicants authorize the Commissioner to charge Deposit Account No. 23-3050 in the amount of the petition fee. However, as no defect exists in Applicants' previous submission and no fee should be required, an immediate refund of the petition fee is requested.

The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Respectfully submitted,

  
Felicity E. Groth  
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Date: April 29, 2004

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